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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/739,207	12/19/2003	Adolph Mondry		9870

47779 7590 07/16/2008  
ADOLPH MONDRY  
753 VIRGINIA  
PLYMOUTH, MI 48170

EXAMINER
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NATALINI, JEFF WILLIAM

ART UNIT	PAPER NUMBER
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2831

MAIL DATE	DELIVERY MODE
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07/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/739,207

Examiner

JEFF NATALINI

Applicant(s)

MONDRY, ADOLPH

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5/8/08, 4/30/08, 4/7/08, and 4/4/08 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Jeff Natalini

Legal Instruments Examiner (LIE), if applicable

571-272-2266

Telephone No.



Continuation of 5 Other: The examiner will try to construct a list of instructions to help the applicant procede in the filing of the application:

None of submissions filed 4/4/08, 4/7/08, 4/30/08, and 5/8/08, will be entered. When submitting a replacement drawing, the words "replacement sheet" must be on the top of the figure. The only things that need to be submitted in an amendment are those which change, if the specification/abstract/drawings/etc. do not change, please do not submit them again. Any changes in the specification or claims need to follow this rule: deletions need to be striked-through while additions should be underlined (see MPEP 714 II). Do not use a strike-through or underline for anything that was previously presented. It seems even in the amendment to the claims filed 5/8/08 there was previously presented subject matter that was underlined and some deleted subject matter that was not striked-through (it was just absent from the new claims). Also, when filing an amendment, there should be remarks responding to the action from the examiner. For example, a separate paragraph/section should be included explaining individually how the drawing objections were overcome, how the claim objections were overcome, how the claim rejections were overcome, ect. Also included in the remarks (if necessary) would be any amendment made to the specification, why that amendment was made, and will also need to include a statement stating "no new subject matter was added in any of the amendments presented". Please also see under number '1' (first paragraph) of the office action dated 3/14/08, where every claim must be addressed, so claims 20-34 need to be addressed as cancelled.

In looking at the claims, it appears that the applicant is still claiming both an apparatus and a method in the same claim (claim 1). Please look at patent 6172368 (previously cited), which claims a method claim that contains structure to get an idea of how to draft a claim to one statutory class (method or apparatus). Applicant is also encouraged to look at other patents, specifically the claim language, to see how the claims have been written.

Applicant can access the MPEP using the following link:  
<http://www.uspto.gov/web/offices/pac/mpep/mpep.htm>